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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,725	06/28/2001	Anthony John Kregor	0592-0124P	4790
2292	7590	11/07/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			DASS, HARISH T	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			3628	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/892,725	Applicant(s) KREGOR ET AL.	
	Examiner Harish T. Dass	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nielson (Pub. US 2002/0107790 A1).

Re. Claim 1, Nielson discloses (a) a credit provider providing sufficient credit to a plurality of buyers who place orders with a seller with to cover debts incurred only when placing said orders with said seller [Abstract; C1 paragraphs or para. 0004; 0013-0014 – see contractors and project owners];

buyers placing orders with said seller thereby incurring debts with said seller [para. 0014],

seller fulfilling said orders [Figure 1 # 400; para. 0015],

seller transferring said debts to said credit provider in exchange for settlement of said debts by said credit provider [C4 para. 0046], and

said credit provider seeking settlement of said debts from said buyers [para. 0050].

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Re. Claim 2, Nielson discloses wherein settlement by said credit provider is performed automatically [para. 0013; 0022].

Re. Claim 3, Nielson discloses wherein said method further comprises assessing a risk of a proportion of the debt incurred by said buyers not being settled with said credit provider, and insuring against said risk [para. 0018].

Re. Claim 4, Nielson discloses wherein insuring against said risk is performed by said credit provider [parap. 0040; 0043].

Re. Claim 8, Nielson discloses wherein said debt is transferred as a debt information together with order information identifying said orders whereby order information can be provided to each buyer when said credit provider seeks settlement of said debt [para. 0046, 0049-0050].

Re. Claim 9, Nielson discloses wherein said method involves said credit provider processing said debt information, and wherein order information is separated from said debt before said debt information is processed by said credit provider, and said order information is subsequently associated with the processed debt information [para. 0046 – see purchase order 420 may include ...]

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Re. Claim 10, Nielson discloses wherein said subsequent association with said processed debt information involves association with additional information generated from at least one of said debt information and said order information [para. 0051, 0057-0058].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielson.

Re. Claim 5, Nielson does not explicitly disclose wherein insuring against said risk is performed by said seller. However, this step is well known. For example, when Best Buy or Circuit City provide no interest financing to customer, they obtain customer information to check if the customer is credit worthy before forwarding the credit application to the third party such as GE Capital financing group. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nielson and add credit checking by the seller (wherein insuring against said risk is performed by said seller) to insure the worthiness of the customer before further proceeding to sell a product.

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Claims 6-7 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielson in view of Mandler et al (hereinafter Mandler - US 5,732,400).

Re. Claims 6-7, Nielson does not explicitly disclose wherein said orders are placed with said seller through an intermediary, and wherein said there are a plurality of ultimate sellers, and said intermediary controls which of the sellers said buyer's order is placed with so that said order is only placed if said buyer has sufficient credit with said seller. However, Mandler discloses these steps [Abstract; Figure 1B; C3 L30-47] to provide transactional services among sellers and buyer having no previous relationship with each other. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nielson and include the above steps, as disclosed by Mandler, for providing intermediary to provide service such as payment, settlement, credit assessment, etc. to buyers and sellers.

Re. Claim 12, Nielson discloses data processing means for separating said order information from said debt information and forwarding said debt information to debt processing means [para. 0046], debt processing means for processing said debt information to produce processed debt information before returning said processed debt information to said data processing means, whereafter said data processing means associates said order information with said processed debt information to produce processed data to be sent to said buyers [para. 0051, 0057-0058]. Nielson does not explicitly disclose data receiving means for receiving data from a seller relating to orders

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made by a plurality of buyers, said data including order information and debt information. However, Mandler discloses this step [Abstract; C3 L30-L47; C5 L5-L17; C9 L60 to C10 L51] to provide a system to receive seller's notice of shipment and provide invoice and billing for buyer. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosures Nielson and include data receiving means for receiving data from a seller relating to orders made by a plurality of buyers, said data including order information and debt information, as disclosed by Mandler, to provide invoice for purchase orders and shipment.

Re. Claims 13-14, Nielson discloses wherein said data processing means associates additional information with said debt information to produce said processed data, wherein said additional information is generated from at least one of said debt information and said order information [para. 0051, 0057-0058]. Neither Nielson nor Mandler explicitly discloses wherein said additional information is loyalty program information. However, this feature is well known to one skill in the art to provide loyalty program for encouraging the buyers to do repeated business with establish seller who provide such incentives. For example, Shell Master/VISA card from CitiCard which provides loyalty points to encourage motorist to purchase Shell gas is advertised or American Express loyalty program and separate information provided to customer for loyalty point notice and redemption. It would have been obvious to one of ordinary skill in the art at the time the Applicant's invention was made to modify disclosures Nielson

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and Mandler to include wherein said additional information is loyalty program information to provide incentive information for buyer and encourage them to purchase from the established seller.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielson in view of Kawan (US 6,889,198).

Re. Claim 11, Nielson does not explicitly disclose wherein said additional information includes loyalty program information. However, Kawan discloses this feature [Figure 2; C2 L C3 L8-L47; C5 L12-L30; C8 L6-L16] to automatically log the purchase and track loyalty points. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nielson and include a processing method to track and redeem smart card (credit card) point in addition to the purchased.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

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Jill Bilzi "Zero percent programs make slow comeback" TWICE. New York: Mar 2, 1998. Vol. 13, Iss. 6; pg. 6, 2 pgs discloses In late February, the country's two largest CE chains, Best Buy and Circuit City, were both running no-interest financing programs on selected merchandise: Best Buy offered all Pentium II computers, excluding notebooks, with no-interest financing due until February 1999; Circuit City ran a 12-month no interest/no payments/no accrued interest deal on select ProScan TVs. GE Capital, which says it is the world's largest issuer of third-party credit cards, is also an advocate of using targeted marketing and special customer-oriented services to bring people into stores instead of solely relying on zero percent financing programs. The company even advertises its credit-card program with the line, "Tough economic times don't have to mean slower sales". Among the programs GE Capital offers though its Appliance/Electronics Financing Group (AEFG) is a private-level credit card, exclusive marketing services that identify and attract new customers for retailers, and new credit approval decisions made in two to five minutes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass
Examiner
Art Unit 3628

HTD
10/27/05


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600